



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA **08 MJ 8420**

UNITED STATES OF AMERICA, } Magistrate Case No.:
Plaintiff, }
v. } COMPLAINT FOR VIOLATION OF
Yomayra Patricia PENCUELAS, } 21 U.S.C. § 952 and 960
Defendant. } Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about May 13, 2008, within the Southern District of California, defendant Yomayra Patricia PENCUELAS did knowingly and intentionally import approximately 26.56 kilograms (58.43 pounds) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rafael Silva, Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14TH
DAY OF MAY 2008.

Peter C. Lewis
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Yomayra Patricia PUELAS

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished to
6 Immigration and Customs Enforcement Special Agent Rafael Silva.
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8 On May 13, 2008, at approximately 1450 hours, Yomayra Patricia PUELAS entered
9 the United States at the Calexico, California, West Port of Entry. PUELAS was the driver
10 and sole occupant of a 2000 Chrysler 300M.
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12 PUELAS approached lane number nine which was being manned by Customs and
13 Border Protection Officer (CBPO) Relente. During routine border inspection questioning,
14 PUELAS gave a negative Customs declaration. CBPO Relente referred PUELAS and the
15 vehicle to the vehicle secondary inspection.
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17 While at vehicle secondary, CBPO Ramos took over the inspection. CBPO Ramos
18 received a negative Customs declaration from PUELAS. PUELAS claimed to be the
19 registered owner of the vehicle. PUELAS stated the reason for her trip to Mexico was to visit
20 family. CBP/CEO Garcia utilized his assigned Human/Narcotics Detection Dog to screen the
21 vehicle PUELAS was driving. The dog alerted to the vehicle. CBP/CEO Garcia informed
22 CBPO Ramos of the alert. CBPO Ramos continued the vehicle inspection and located a non-
23 factory compartment in the vehicle's rocker panels.
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25 A subsequent inspection of the vehicle revealed twenty-four (24) packages concealed
26 inside the compartment. CBPO Ramos probed one of the packages and a sample of a white
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1 powdery substance was obtained, which field tested positive for cocaine. The 24 packages had a
2 combined weight of approximately 26.56 kilograms (58.43 pounds) of cocaine.

3 PENUELAS was placed under arrest and advised of her rights per Miranda, which she
4 acknowledged and waived, agreeing to answer questions. PENUELAS told Special Agent Silva
5 she bought the car for \$4,000.00 from a male subject known only as "Mauricio." PENUELAS
6 also said she did not know the vehicle contained drugs. PENUELAS then stated she wanted to
7 be completely honest and stated the car did not belong to her and she had not paid \$4,000.00 for
8 it. PENUELAS stated she borrowed \$1,300.00 from "Mauricio" and was only able to pay him
9 \$300.00. "Mauricio" then told her they needed to put the car under her name and she was to
10 drive it into the United States a few times. PENUELAS stated she was told the vehicle would be
11 used to smuggle drugs into the U.S.
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